

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.116

Civil Writ Petition No.4013 of 2018

DECIDED ON: February 20, 2018

PREM SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Dr. Deepak Jindal, Advocate,
for the petitioner.

JASPAL SINGH, J.

Through the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to decide the legal notice dated August 21, 2017 (P-1) vide which petitioner has requested the respondent department for grant of interest on the delayed payment(s) of retiral benefits @ 18% per annum

2. The contention of learned counsel for the petitioner is that though petitioner stood retired on May 29, 2012 on attaining the age of superannuation and the retiral benefits were not released/disbursed to the petitioner as on the date of retirement or within some reasonable period. Rather, the benefits were release to the petitioner after a huge delay by way of different instalments in a period of about five years. Though, respondents were obliged to pay the interest on the delayed payment(s) but no payment has been made on account of interest. Learned counsel for the

petitioner further submits that even the legal notice dated August 21, 2017 (P-1) was also served upon the respondents which has been forwarded by the Superintending Engineer, HUDA Circle, Karnal to the Chief Engineer, HUDA, Panchkula vide letter Endst. No.159130 dated August 25, 2017 despite the fact that a period of six months is going to expire yet no final or conscious decision has been taken with regard to grant of interest on the delayed payment(s). He feels satisfied in case a direction is issued to the respondent No.2 to deal with and dispose of the aforesaid legal notice and the proceedings initiated on the basis thereof within some prescribed period.

3. Without expressing any opinion on merits of the case, instant petition is disposed of with a direction to respondent No.2-Chief Administrator, Haryana Urban Development Authority, Sector 6, Panchkula to consider and take action on the legal notice dated August 21, 2017 (P-1) by passing a speaking order as per rules, regulations and Instructions No.1/2 (152) 01-2 FR II dated 20.02.2002 issued by the Government of Haryana, within a period of two months from the date of receipt of a certified copy of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within next one month. In case, non-compliance of this order, petitioner shall be at liberty to have recourse to other remedies available under the law as well as approach this Court.

February 20, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**